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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/720,523	05/02/2001	Rudolf Ritter	PM275480	1568

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EXAMINER

NGUYEN, CUONG H

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 08/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/720,523

Applicant(s)

RITTER, RUDOLF

Examiner

CUONG H. NGUYEN

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 20-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/13/01</u> . | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 3625

### **DETAILED ACTION**

1. This Office Action is the answer to the election received on 4/26/2004.
2. Claims 20-31 are elected for further examination.

### **Response**

3. The examination respectfully submits that it is a burden to search and examine the entire application having 2 distinct groups as previously indicated on 3/24/2004, that representing claims 1-19 (group I), and claims 20-31 (group II), respectively.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

4. Independent claim 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over as being unpatentable over Krishnaswamy et al. (US Pat. 5,867,494).

As best interpretation, this claim is merely directed to a sale method using a token that represent related information (buyer, seller, manufacturer, quantity .etc.) in a mobile telephone environment.

Art Unit: 3625

Krishnaswamy teaches about using a mobile radio network in a method for e-commerce wherein tokens, which correspond to certain goods.

Although they do not expressly disclose that a token representing a certificate with identification of an ordered item. A token would contain information to be used as a certificate identifying ordered products.

Although they do not expressly disclose that a token being exchangeable for a respective item; it is obvious that Krishnaswamy et al.'s TOKEN would be used as a certified ticket to purchase because it contains necessary information.

Analogous with functionalities of a normal token for communication, during an order, if the respective item or the respective service is available, a corresponding token is transmitted via a mobile radio network to a mobile device of an ordering participant and is stored there. Krishnaswamy et al.'s TOKEN can be used to perform above function.

It is old and well-known that an available product number would be subtracted anytime an order is placed; therefore, claiming that "a corresponding quantity indication about the available number being decreased by increments for each received order for which a token was transmitted" would not be an inventive idea.

Art Unit: 3625

It would have been obvious to one of ordinary skill in the art at the time of invention was made to implement Krishnaswamy et al. to contain above detailed information in a TOKEN because Krishnaswamy et al.'s TOKEN would be able to contain extra necessary information in order to clearly indicate a status of an order to a buyer in a mobile radio communication.

**5. As per dependent claim 21:**

The rationale and reference for above rejection of claim 20 are incorporated.

It is old and well-known in business to stop an offering for sale of an item when respective a quantity indication equals zero; this would have been obvious with one of ordinary skill in the art to implement Krishnaswamy et al. with instructions to perform that claimed step for a benefit of automatically giving a buyer a signal about a current status of goods.

**6. As per dependent claim 22:**

The rationale and reference for above rejection of claim 20 are incorporated.

It is old and well-known to business about sending a signal to stop an offering for sale, due to a given due date for such offer. Therefore, it would have been obvious to one of ordinary skill in the art to add computer instructions in Krishnaswamy et

Art Unit: 3625

al.'s system to stop the offering for sale of a respective item, then executing said instruction when an expiration date for this respective item has passed for a benefit of automatically giving a buyer a response about a pre-determined decision.

**7. As per dependent claim 23:**

The rationale and reference for above rejection of claim 20 are incorporated.

It is old and well-known for a buyer to send an order containing an order quantity for a benefit of clarification in purchasing. Krishnaswamy et al. obviously suggests that claimed limitation.

**8. Dependent claims 24-27, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krishnaswamy et al. (US Pat. 5,867,494).**

**A. As per dependent claim 24:**

The rationale and reference for above rejection of claim 20 are incorporated.

Krishnaswamy et al.'s TOKEN could contains information about an available order quantity.

It would have been obvious to one of ordinary skill in the art at the time of invention was made to implement Krishnaswamy et al. to contain above detailed information in a TOKEN because Krishnaswamy et al.'s TOKEN would contain a sixteen-character

Art Unit: 3625

quantity made up of 62 possible character values for extra necessary information.

**B. As per dependent claims 25, and 31:**

A transmitted token comprises a number/identification data, this data could be a delivery number/address because this is a part of a TOKEN's detailed description (see Krishnaswamy et al., Fig. 40).

**C. As per dependent claim 26:**

The rationale and reference for above rejection of claim 20 are incorporated.

It is old and well-known in business that an ability to pay for a goods/service of a interested participant is checked before communicating to a potential buyer (e.g., if a buyer is eligible, a token would be transmitted to him).

**D. As per dependent claim 27:**

The rationale and reference for above rejection of claim 20 are incorporated.

It is old and well-known in business that a negative decision could be sending to a potential buyer (e.g., if a buyer does not have a TOKEN to continue communications).

Art Unit: 3625

9. Dependent claims 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krishnaswamy et al. (US Pat. 5,867,494), in view of Katz (WO 96/34471).

The rationale and reference for above rejection of claim 20 are incorporated.

In a similar application, Katz teaches about posting a transaction to a calling party's account (see Katz, the abstract).

It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine Krishnaswamy et al. with Katz to teach that costs of an item ordered by a ordering participant are charged to his account including wireless communications costs because this would simplify a billing process for both parties.

10. Dependent claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krishnaswamy et al. (US Pat. 5,867,494), in view of Rautiola et al. (US Pat. 5,991,639).

The rationale and reference for above rejection of claim 20 are incorporated.

Krishnaswamy et al. do not disclose that a chip-card is used to charge a buyer for his transaction.



Art Unit: 3625

However, Rautiola et al. teach that a SIM card contains enough memory to store extra information such as charges for purchased goods (see Rautiola et al., 11:34-56).

It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine Krishnaswamy et al. with Rautiola et al. to teach that an ordered item would be charged to him on his chip card because besides containing telephone number, various fields on this chip card can stored various information (e.g., charges for ordered items) for the benefit of simplifying a billing process.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 703-305-4553. The examiner can normally be reached on 7 am - 330 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, JEFFREY A. SMITH can be reached on 703-308-3588. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687/703-746-5572.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Art Unit: 3625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.

*Cuong H. Nguyen*

*CHAN*  
CUONG H. NGUYEN  
Primary Examiner  
Art Unit 3625